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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. VN-2008-1309

KARA LYNN MORA
P.O. Box 1286
Galt, CA 95632

OAH No. 2010080920

Applicant for Vocational Nurse License


Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on June 24, 2011.

IT IS SO ORDERED this 25th day of May, 2011.


John P. Vertido, L.V.N.
President

BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

KARA LYNN MORA,

Respondent.

Case No. VN-2008-1309

OAH No. 2010080920

PROPOSED DECISION

This matter was heard before Floyd D. Shimomura, Administrative Law Judge, Office of Administrative Hearings, State of California, on March 4, 2011, in Sacramento, California.

Kent D. Harris, Deputy Attorney General, appeared on behalf of complainant Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians (complainant).

Kara Lynn Mora (respondent) appeared on her own behalf.

Evidence was received and the matter submitted on March 4, 2011.

FACTUAL FINDINGS

Jurisdictional Facts

1. On October 20, 2008, respondent applied for licensure as a vocational nurse to the California Board of Vocational Nursing and Psychiatric Technicians (board).
2. On April 6, 2010, the board denied the application and respondent filed an appeal on April 27, 2010.

3. On or about July 22, 2010, complainant filed the Statement of Issues in her official capacity against respondent. She alleged that the board denied respondent's application for licensure as a vocational nurse because respondent had: (1) criminal convictions under Business and Professions Code section 480, subdivision (a), and section 2866; (2) possessed a controlled substance in violation of Business and Professions Code section 2878.5, subdivision (a); (3) a criminal conviction involving possession of a controlled substance under Business and Professions Code section 2878.5, subdivision (c); and (4) engaged in dishonest acts in violation of Business and Professions Code section 2878, subdivision (j). This matter was set for an evidentiary hearing before an Administrative Law Judge of the Office of Administrative Hearings, an independent adjudicative agency of the State of California, pursuant to Government Code section 11500, et seq.

Respondent's Convictions

4. On April 4, 2005, in the Mendocino County Superior Court, in the matter entitled *People of the State of California v. Kara Lynn Mora* (Case No. MCUK-CNT-05-64427-02), respondent, upon a plea of guilty, was convicted of violating Health and Safety Code section 11377, subdivision (a), possession of a controlled substance (methamphetamine), a misdemeanor. Respondent was given a 30-day work sentence, ordered to do drug rehabilitation and 40 hours of community service, and placed on probation for 36 months.

5. Respondent's methamphetamine conviction arose from her conduct on March 23, 2005. After she picked up some friends at a casino, respondent was stopped by law enforcement personnel. Methamphetamine was found in her possession.

6. On July 21, 2005, in the Sacramento County Superior Court, in the matter entitled *People of the State of California v. Kara Lynn Mora* (Case No. 05F01264) respondent, upon a plea of nolo contendere, was convicted of violating Penal Code section 487, subdivision (a), grand theft, a misdemeanor. Respondent was ordered to do 90 days on a Sheriff's work project, pay restitution, and placed on three years informal probation.

7. Respondent's theft conviction arose from her conduct in early December 2004. Respondent and her father were estranged. Nevertheless, she was allowed to stay overnight in her father's home along with her boyfriend. While the father was away, respondent and her boyfriend took some of his property without his permission. The items included a bicycle, camera, coins, speakers, and watch. Respondent's father called the police.

Respondent's Personal History

8. Respondent was born on March 31, 1982. During her early 20s, she had a troubled family situation. Her father drank too much. Sometimes he became belligerent and beat her mother. Respondent became estranged from her father because, among other things,

she intervened to try to protect her mother. Her parents divorced in 1997. Respondent lived with her mother in the Sacramento area. Eventually, respondent moved to Ukiah in Mendocino County. She graduated from high school at the Ukiah Adult School, got a job in a retail store, and rented her own apartment. In Ukiah, respondent met a boy who became her boyfriend. Although she knew that he "did drugs," she thought she could change him. It turned out the opposite. The boyfriend introduced her to methamphetamine and his friends who also used drugs. Eventually she lost her job and also her apartment when her income stopped. She lived in her car and her boyfriend provided what little funds they had. It was during this period in 2004 and 2005, when she was about 23 years old, that the theft of her father's property and the arrest for possession of methamphetamine occurred. Respondent's boyfriend died while in jail.

Rehabilitation

9. Her boyfriend's death and her two convictions shocked respondent. She also was pregnant during this period and with her first child. Respondent believed she had hit "rock bottom" and decided to change her life both for herself and her child.

10. In 2005 respondent successfully completed a drug rehabilitation class, Framework for Recovery, which had been ordered by the Mendocino Superior Court. Respondent has not engaged in drug use since her 2005 conviction for illegal possession of methamphetamine.

11. During 2008, respondent successfully completed an eight-month vocational nursing program at the Charles A. Jones School, which is an adult education program run by the Sacramento City Unified School District. Dr. Charles Wayne Williams, who was one of respondent's teachers, indicated that respondent was never late, always prepared, sat in the front row, and carried out all assignments diligently. He also indicated that respondent was fingerprinted and cleared to participate in clinical activities, including administering medication, and had no problems. Respondent graduated in the top ten percent of her vocational nursing class with a grade of B+.

12. On July 7, 2009, respondent's 2005 conviction for grand theft was dismissed pursuant to Penal Code section 1203.4. On October 23, 2009, respondent's 2005 conviction for possession of methamphetamine was dismissed pursuant to Penal Code section 1203.4.

13. During 2010 and 2011 respondent has done extensive volunteer work at the Sutter Medical Center. Most of her work has been done as a labor and delivery volunteer. Respondent's supervisor rated her very high. She describes her as a "wonderful volunteer" and that respondent "learns quickly & works great with others." She also writes that respondent "has a kind heart and is a good listener."

14. Respondent has been attending the Calvary Life Tabernacle regularly for about three years although her Senior Pastor, Larry B. Lyons, writes that he has known respondent for about ten years and has watched her mature from teen to adulthood. His letter corroborates respondent's position that she has changed her life. He acknowledges that respondent made some bad decisions early in her life but believes "[t]hrough her mistakes, she has learned how to correct habits developed, take responsibility as a mother of two small children, attend school to further her success in the future." Another letter from Cindy Mora, a relative, also corroborates that respondent has matured and changed her life.

15. Respondent and her father have reconciled their personal differences. Her father's letter in support of respondent's application corroborates respondent's position that she has matured and changed her life. With regard to the theft of personal property from his home in 2005, her father writes, "I consider the crime to be indicative of a family problem, not a legal problem and out of character to the values Kara has. Kara was just 21 and young and naïve enough to get mixed up with the wrong sort of people, pulling away from the goals she had set for herself."

16. Respondent works at Metro PCS of Folsom, a business owned and operated by her mother, Sonja Craighton. Her mother indicates that respondent is very active in the operation of the store including opening and closing and processing customer payments. Craighton writes that respondent "has demonstrated positive business ethics and I am able to say that I can trust her with the operation of the store."

17. Respondent has cooperated with the board. She fully disclosed her two convictions on her application and has supplied all requested information.

18. Respondent represented herself at the hearing. She was well prepared and courteous to the board's counsel and to the Administrative Law Judge. She fully acknowledged and took responsibility for her troubled youth and 2005 convictions.

LEGAL CONCLUSIONS

Conviction of Crimes

1. Pursuant to Business and Professions Code section 2866, the board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of the Code. Business and Professions Code section 480, subdivision (a)(1) provides that grounds for denial exists for conviction of a crime. A conviction includes a plea or verdict of guilty or a conviction after a plea of nolo contendere. Moreover, Business and Professions Code section 480, subdivision (a)(3) provides that a license may be denied when an applicant has done "any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of

license.” Nevertheless, the board may deny a license only if the crime is substantially related to the qualifications, functions or duties of the profession for which application is made. (Bus. & Prof. Code, § 480, subd. (a)(3)(B).)

2. Pursuant to Finding 4, respondent, upon a plea of guilty, was convicted of violating Health and Safety Code section 11377, subdivision (a), possession of a controlled substance (methamphetamine), a misdemeanor. A conviction for possession of methamphetamine is substantially related to licensure as a vocational nurse because vocational nurses have access to and administer controlled substances in the course of their work and also must not be impaired so they may safely perform their important health care duties. (See, Bus. & Prof. Code, § 2878.5, subd. (b).)

3. Pursuant to Finding 6, respondent, upon a plea of nolo contendere, was convicted of violating Penal Code section 487, subdivision (a), grand theft person, a misdemeanor. A conviction for grand theft is substantially related to licensure as a vocational nurse because it involves dishonesty. (See, Bus. & Prof. Code, § 2878, subd. (j).) As indicated, vocational nurses have access to controlled substances and also care for ill and injured individuals who are in a vulnerable position.

4. Cause exists for denial of respondent’s application for licensure because of her convictions for grand theft and for possession of methamphetamine, a controlled substance.

Possession of a Controlled Substance

5. An application for a vocational nurse license is subject to denial if the applicant has engaged in any unprofessional conduct. (See, Bus. & Prof. Code, § 2878 subd. (a).) Business and Professions Code section 2878.5, subdivision (a) provides, among other things, that it is unprofessional conduct for a licensed vocational nurse to possess in violation of law a controlled substance except as directed by a licensed physician.

6. Pursuant to Finding 5, on March 23, 2005, respondent was stopped by law enforcement personnel after picking up friends at a casino. Methamphetamine, a controlled substance, was found in her possession.

7. Cause exists for denial of respondent’s application for licensure because she engaged in unprofessional conduct when she was in possession of methamphetamine, a controlled substance.

Conviction Involving Possession of a Controlled Substance

8. An application for a vocational nurse license is subject to denial if the applicant has engaged in any unprofessional conduct. (See, Bus. & Prof. Code, § 2878, subd. (a).) Business and Professions Code section 2878.5, subdivision (c) provides, among other

things, that it is unprofessional conduct for a licensed vocational nurse to be convicted of a criminal offense involving possession of any narcotic or dangerous drug in which event the record of conviction is conclusive evidence thereof.

9. Pursuant to Finding 4, respondent, upon a plea of guilty, was convicted of violating Health and Safety Code section 11377, subdivision (a), possession of a controlled substance (methamphetamine), a misdemeanor.

10. Cause exists for denial of respondent's application for licensure because she was convicted of being in possession of methamphetamine, a narcotic or dangerous drug.

Dishonest Acts

11. Business and Professions Code section 2878, subdivision (j), provides that the board may suspend or revoke the license of a vocational nurse for the commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

12. Cause exists for denial of respondent's application for licensure because she engaged in a dishonest act when she and her boyfriend took her father's personal property without his permission. (Finding 7.)

Rehabilitation

14. The Findings 9 through 18, relating to rehabilitation, were considered in making the following Order. Respondent has demonstrated that she is substantially rehabilitated. Therefore, it would not be contrary to the public interest to issue respondent a vocational nurse license at this time, under terms and conditions requiring monitoring and supervision to ensure continued good behavior. Such terms will provide necessary structure, accountability and oversight to assure safety to the public as respondent commences licensed practice as a vocational nurse.

ORDER

The application of Kara Lynn Mora for a vocational nurse license is granted, and then immediately revoked pursuant to Legal Conclusions 4, 7, 10, and 13. However, the revocation is stayed and respondent is placed on probation to the Board for three (3) years upon the following terms and conditions:

1. Chemical Dependency Support & Recovery Groups. Within five (5) days of the effective date of the Decision, respondent shall begin attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by petitioner with

each written report as required by the Board. Petitioner shall continue attendance in such a group for the duration of probation.

2. Abstain From Controlled Substances. Respondent shall completely abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness.

3. Abstain From Use of Alcohol. Respondent shall completely abstain from the use of alcoholic beverages and products containing alcohol.

4. Submit Biological Fluid Samples. Respondent shall immediately submit to biological fluid testing, at petitioner's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and petitioner's current employer.

5. Restrictions on Licensed Practice. Respondent shall practice only with a specified client population, in a specified practice setting, and/or engage in limited medical procedures. These restrictions shall be specifically defined in the Decision and be appropriate to the violation. Respondent shall be required to document compliance in the manner required by the Board.

Given respondent's prior conduct involving theft of personal property from her father, her vocational nursing work should be subject to supervision and monitoring by her employer.

6. Obey All Laws. Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law, including alleged violations, to the Board within five (5) days of occurrence.

To ensure compliance with this condition, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprints were previously submitted by the respondent to the Board.

Respondent shall also submit to the Board a recent 2" x 2" photograph of herself within thirty (30) days of the effective date of the decision.

If respondent is under a criminal court order, including probation or parole, and the order is violated, it shall be deemed a violation of these probation conditions.

7. Compliance With Probation Program. Respondent shall fully comply with the conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the petitioner's compliance with the Probation Program.

Upon successful completion of probation, the respondent's license will be fully restored.

8. Submit Written Reports. Respondent shall submit or cause to be submitted, under penalty of perjury, any written reports, declarations and verification of actions as required by the Board or its representatives. These reports or declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

In the first report, respondent shall provide a list of all states and territories where she has ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse. Respondent shall provide information regarding the status of each license and any change in license status during the period of probation. Respondent shall inform the Board if she applies for or obtains a new nursing or psychiatric technician license during the period of probation.

Respondent shall provide a copy of the Board's decision to the regulatory agency in every state and territory in which she has applied for or holds a vocational/practical nurse, psychiatric technician and/or registered nurse license.

9. Notification of Address and Telephone Number Change(s). Respondent shall notify the Board, in writing, within five (5) days of any change in address or telephone number(s).

Respondent's failure to claim mail sent by the Board may be deemed a violation of these probation conditions.

10. Notification of Residency or Practice Outside of State. Respondent shall notify the Board, in writing, within five (5) days, if she leaves California to reside or practice in another state. Periods of residency or practice outside of California shall not apply toward a reduction of this probation time period. If respondent resides or practices outside of California, the period of probation shall be automatically extended for the same time period he/she resides or practices outside of California. Respondent shall provide written notice to the Board within five (5) days of any change of residency or practice.

Respondent shall notify the Board, in writing, within five (5) days, upon her return to California.

11. Meetings With Board Representative(s). Respondent shall appear in person at meetings as directed by the Board or its designated representatives.

12. Notification To Employer(s). When currently employed or applying for employment in any capacity in any health care profession, respondent shall notify her employer of the probationary status of petitioner's license. This notification to respondent's current health care employer shall occur no later than the effective date of the Decision. Respondent shall notify any prospective health care employer of her probationary status with the Board prior to accepting such employment. At a minimum, this notification shall be accomplished by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical health care positions.

Respondent shall cause each health care employer to submit to the Board all performance evaluations and any other employment related reports as required by the Board. Respondent shall notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of such an event.

Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, if she is terminated or separated, regardless of cause, from any nursing or health care related employment with a full explanation of the circumstances surrounding the termination or separation.

13. Employment Requirements and Limitations. Respondent shall work in her licensed capacity in the state of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

Respondent shall not work for a nurses' registry or in any private duty position, a temporary nurse placement agency, as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board approved continuing education course except as approved, in writing, by the Board. Respondent shall work only on a regularly assigned, identified and predetermined work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

14. Supervision Requirements. Before commencing or continuing employment in any health care profession, respondent shall obtain approval from the Board of the supervision provided to petitioner while employed.

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

15. Completion of Educational Course(s). Respondent, at her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The coursework shall be in addition to that required for license renewal. The Board shall notify petitioner of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

16. Maintenance of Valid License. Respondent shall, at all times, maintain an active current license with the Board including any period of suspension.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should respondent's license expire, by operation of law or otherwise, upon renewal or reinstatement, respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

17. License Surrender. During probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, respondent may surrender her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request without further hearing. Upon formal acceptance of the tendered license, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A licensee who surrenders her license may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision for the surrender:

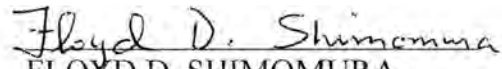
- Three (3) years for reinstatement of a license surrendered for any reason other than a mental or physical illness; or

- One (1) year for a license surrendered for a mental or physical illness.

18. Violation of Probation. If respondent violates the conditions of her probation, the Board, after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (denial/revocation/suspension) of respondent's license. If during probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

19. No cost recovery requirement is included in this order because no evidence was presented regarding cost.

DATED: April 1, 2011


FLOYD D. SHIMOMURA
Administrative Law Judge
Office of Administrative Hearings

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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. VN-2008-1309

12 **KARA LYNN MORA**
13 **P.O. Box 1286**
Galt, California 95632

STATEMENT OF ISSUES

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Statement of
19 Issues solely in her official capacity as the Executive Officer of the Board of Vocational Nursing
20 and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

21 2. On or about October 20, 2008, the Board received an application for a vocational
22 nurse license from Kara Lynn Mora ("Respondent"). On or about August 29, 2008, Respondent
23 certified under penalty of perjury that the information on the application, including any
24 attachments, was true and correct. The Board denied the application on April 6, 2010.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2866 provides, in pertinent part, that
27 the Board may deny a license when it finds that the applicant has committed any acts constituting
28 grounds for denial of licensure under section 480 of that Code.

1 4. Code section 480 states, in pertinent part:

2 (a) A board may deny a license regulated by this code on the grounds that
3 the applicant has one of the following:

4 (1) Been convicted of a crime. A conviction within the meaning of this
5 section means a plea or verdict of guilty or a conviction following a plea of nolo
6 contendere. Any action which a board is permitted to take following the
7 establishment of a conviction may be taken when the time for appeal has elapsed, or
8 the judgment of conviction has been affirmed on appeal, or when an order granting
9 probation is made suspending the imposition of sentence, irrespective of a subsequent
10 order under the provisions of Section 1203.4 of the Penal Code.

11 (2) Done any act involving dishonesty, fraud or deceit with the intent to
12 substantially benefit himself or herself or another, or substantially injure another.

13 (3)(A) Done any act that if done by a licentiate of the business or
14 profession in question, would be grounds for suspension or revocation of license.

15 (B) The board may deny a license pursuant to this subdivision only if the
16 crime or act is substantially related to the qualifications, functions, or duties of the
17 business or profession for which application is made . . .

18 5. Code section 2878 states, in pertinent part:

19 The Board may suspend or revoke a license issued under this chapter [the
20 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the
21 following:

22 (a) Unprofessional conduct . . .

23

24 (f) Conviction of a crime substantially related to the qualifications,
25 functions, and duties of a licensed vocational nurse, in which event the record of the
26 conviction shall be conclusive evidence of the conviction.

27

28 (j) The commission of any act involving dishonesty, when that action is
related to the duties and functions of the licensee . . .

 6. Code section 2878.5 states, in pertinent part:

 In addition to other acts constituting unprofessional conduct within the
meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

 (a) Obtain or possess in violation of law, or prescribe, or except as
directed by a licensed physician and surgeon, dentist or podiatrist administer to
himself or herself or furnish or administer to another, any controlled substance as
defined in Division 10 of the Health and Safety Code, or any dangerous drug as
defined in Section 4022.

....
(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof . . .

7. Code section 2878.6 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a licensed vocational nurse is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

8. California Code of Regulations, title 16, section 2521, states, in pertinent part:

For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare . . .

CONTROLLED SUBSTANCE AT ISSUE

9. "Methamphetamine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2).

FIRST CAUSE FOR DENIAL

(Criminal Convictions)

10. Respondent's application for a vocational nurse license is subject to denial pursuant to Code sections 2866, 480, subdivision (a)(1), and 480, subdivision (a)(3)(A), in that Respondent was convicted of crimes which are substantially related to the qualifications, functions, and duties of a licensed vocational nurse and would constitute grounds for discipline against Respondent pursuant to Code section 2878, subdivision (f), were she a licentiate of the Board, as follows:

a. On or about April 4, 2005, in the criminal proceeding titled *People v. Kara Lynn Mora* (Super. Ct. County of Mendocino, 2005, Case No. MCKU-CRNT-05-64427-002), Respondent pled guilty to violating Health and Safety Code section 11377, subdivision (a)

1 (possession of a controlled substance, a misdemeanor). The circumstances of the crime are as
2 follows: On or about March 23, 2005, Respondent was found in possession of approximately .4
3 grams of methamphetamine during a traffic stop.

4 b. On or about July 21, 2005, in the criminal proceeding titled *People v. Kara Lynn*
5 *Mora* (Super. Ct. County of Sacramento, 2005, Case No. 05F01264), Respondent pled nolo
6 contendere to violating Penal Code section 487, subdivision (a) (grand theft, a misdemeanor).
7 The circumstances of the crime are as follows: On and between December 2, 2004, and
8 December 4, 2004, the victim, R. M., allowed his estranged daughter, Respondent, to stay
9 overnight at his home. Respondent returned to R. M.'s home another day and took items of
10 R. M.'s property without his knowledge or permission, including, but not limited to, a bicycle,
11 camera, and gold watch. Respondent admitted to a detective with the Sacramento County
12 Sheriff's Office during a tape-recorded interview that she took the items from her father because
13 she was mad at him, that she should have just killed him and finished him off when she hit him
14 with a bat.

15 **SECOND CAUSE FOR DENIAL**

16 **(Possession of a Controlled Substance)**

17 11. Respondent's application for a vocational nurse license is subject to denial pursuant
18 to Code sections 2866, 480, subdivision (a)(3)(A), and 2878, subdivision (a), on the grounds of
19 unprofessional conduct, as defined in Code section 2878.5, subdivision (a), in that on or about
20 March 23, 2005, Respondent possessed the controlled substance methamphetamine, as set forth in
21 subparagraph 10 (a) above.

22 **THIRD CAUSE FOR DENIAL**

23 **(Conviction of a Criminal Offense Involving**

24 **Possession of a Controlled Substance)**

25 12. Respondent's application for a vocational nurse license is subject to denial pursuant
26 to Code sections 2866, 480, subdivision (a)(3)(A), and 2878, subdivision (a), on the grounds of
27 unprofessional conduct, as defined in Code section 2878.5, subdivision (c), in that on or about

28 ///

1 April 4, 2005, Respondent was convicted of a criminal offense involving the possession of a
2 controlled substance, as set forth in subparagraph 10 (a) above.

3 **FOURTH CAUSE FOR DENIAL**

4 **(Dishonest Acts)**


5 13. Respondent's application for a vocational nurse license is subject to denial pursuant
6 to Code sections 2866, 480, subdivision (a)(2), 480, subdivision (a)(3)(A), and 2878, subdivision
7 (j), in that on and between December 2, 2004, and December 4, 2004, Respondent committed acts
8 involving dishonesty, as set forth in subparagraph 10 (b) above.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
12 issue a decision:

- 13 1. Denying the application of Kara Lynn Mora for a vocational nurse license;
14 2. Taking such other and further action as deemed necessary and proper.

15
16 DATED: July 22, 2010


17 TERESA BELLO-JONES, J.D., M.S.N., R.N.
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19 Board of Vocational Nursing and Psychiatric Technicians
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